

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

GUADALUPE MARTINEZ-SANDOVAL

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv11-DCB-MTP

UNITED STATES BUREAU OF PRISONS, et al.

DEFENDANTS

ORDER

The plaintiff, a federal inmate incarcerated at the FCI-Yazoo City, Mississippi, filed this Bivens¹ complaint on January 28, 2008. The named defendants are the United States B.O.P., Jackson MS Hospital, Dr. R. Martinez, and other institution officials. Upon initial review of the complaint submitted, the Court has reached the following conclusions.

A Bivens civil action may be brought by plaintiff against individual officers for an alleged violation of his constitutional rights. Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). However, such a civil action cannot be maintained “against the United States, the BOP, or BOP officers in their official capacities because such a claim is barred by the doctrine of sovereign immunity.” Gibson v. Fed. Bureau of Prisons, 121 F. App'x. 549, 2004 WL 3019779 at *1 (5th Cir. 2004) (not selected for publication in the Federal Reporter) (citing Correctional Services Corp. v. Malesko, 534 U.S. 61, 71-72 (2001); see also Hafer v. Melo, 502 U.S. 21, 25 (1991)). Consequently, the plaintiff cannot maintain this Bivens action against defendant United States B.O.P.

¹Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971).

Additionally, this court finds that the plaintiff failed to assert any facts against the Jackson MS Hospital and Dr. R. Martinez. In order to maintain this Bivens against these defendants, the plaintiff must provide specific facts supporting his claim that his constitutional rights have been violated by these named defendants. The plaintiff is further required to provide the proper name of the “Jackson MS Hospital” along with the address of the hospital.

Finally, the court notes that the plaintiff must provide the name and addresses of the defendants referred to as “other institution officials” as well as specific facts to establish that those individuals violated his constitutional rights before this court will direct summons to be issued for those individuals. Accordingly, it is hereby,

ORDERED AND ADJUDGED:

1. That the United States B.O.P. is dismissed with prejudice.
2. That within 20 days of the entry of this order plaintiff shall file a written response with this Court to (a) specifically state how defendant Jackson MS Hospital violated his constitutional rights; (b) specifically state how defendant Dr. R. Martinez violated his constitutional rights; (c) provide the proper name and address for defendant Jackson MS Hospital; (d) provide the proper names and addresses for the defendant referred to as “Other Institution Officials”; and (e) specifically state how each of the individually name defendants, originally referred to as “Other Institution Officials,” violated his constitutional rights.
3. The plaintiff is warned that if he fails to timely comply with any order of this Court or if he fails to keep this Court informed of his current address that this action may be dismissed

without further written notice to the plaintiff.

SO ORDERED, this the 25th day of February, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE